

## **BOARD OF APPEALS MINUTES**

**April 8, 2003**

**On Tuesday April 8, 2003, at 7 p.m. the Clarence Zoning Board of Appeals will hear the following requests for variances:**

<b>APPEAL NO I</b>	<b>Requests the Board of Appeals approve and grant</b>
<b>Robert Smith</b>	<b>permission to construct a one hundred ninety two</b>
<b>Agricultural</b>	<b>square foot (192 sq.ft.) shed to store tools and</b>
	<b>equipment prior to construction of a new home in the</b>
	<b>spring of 2004 at 6615 Salt Road.</b>

**APPEAL NO I is in variance to Article II, section 30-9, uses.**

<b>APPEAL NO II</b>	<b>Requests the Board of Appeals approve and grant a</b>
<b>David &amp; Denise Trabucco</b>	<b>fifty foot (50') variance creating a one hundred fifty foot</b>
<b>Agricultural</b>	<b>(150') front yard setback for the construction of a new</b>
	<b>home at 6320 Herr Road.</b>

**APPEAL NO II is in variance to Article V, section 30-27 B, size of yards.**

<b>APPEAL NO III</b>	<b>Requests the Board of Appeals approve and grant a</b>
<b>Paul &amp; Kathleen Allaire</b>	<b>seven hundred twenty five foot (725') variance creating</b>
<b>Agricultural</b>	<b>an eight hundred twenty five foot (825') front yard</b>
	<b>setback for the construction of a new home at 6161 Salt</b>
	<b>Road. (See directions for access on access consent</b>
	<b>form.)</b>

**APPEAL NO III is in variance to Article V, section 30-27 B, size of yards.**

<b>APPEAL NO IV</b>	<b>Requests the Board of Appeals approve and grant a</b>
<b>Terry &amp; Valerie Place</b>	<b>five foot (5') variance creating a five foot (5') side lot</b>
<b>Commercial</b>	<b>line setback for an addition to 5870 Goodrich Road.</b>
<b>APPEAL NO IV is in variance to Article VIII, section 30-46 C, size of yards.'</b>	

**APPEAL NO V  
K & A Landscaping  
Commercial**

**Requests the Board of Appeals approve and grant a ten foot (10') variance creating a thirty five foot (35') front yard setback on Bryant & Stratton Way to construct a greenhouse on the west side of the Main Transit plaza at 8200 Main Street.**

**APPEAL NO V is in variance to Article VIII, section 30-46 A, size of yards.**

**APPEAL NO VI  
James Liolos  
Agricultural**

**Requests the Board of Appeals approve and grant two variances:**

- 1. A three hundred foot (300') variance creating a four hundred foot (400') front yard setback for construction of a new home at 4730 Thompson Road.**
- 2. A four foot (4') height variance allowing a ten foot (10') fence height in the rear yard at 4730 Thompson Road.**

**APPEAL NO VI is in variance to Article V,**

**ATTENDING:** John Brady  
Arthur Henning  
Ronald Newton  
Eric Heuser  
Raymond Skaine

**INTERESTED  
PERSONS:** Robert Smith  
Denise Trabucco  
Paul Allaire  
Terry Place  
Allen Gozdalski  
James Liolos

**MINUTES**

**Motion by Ronald Newton, seconded by Arthur Henning to approve the minutes of the meeting held on March 11, 2003 as written.**

Ron Newton	AYE	Eric Heuser	ABSTAINED
Art Henning	AYE	Ray Skaine	ABSTAINED
John Brady	AYE		

**MOTION CARRIED.**

APPEAL NO I  
Robert Smith  
Agricultural

Requests the Board of Appeals approve and grant permission to construct a one hundred ninety two square foot (192 sq.ft.) shed to store tools and equipment prior to construction of a new home in the spring of 2004 at 6615 Salt Road.

DISCUSSION:

Mr. Smith said he would like to improve and maintain the grounds - cut the grass, get rid of some dead trees, and things of that nature. The shed will be movable, it will be on 4 x 4 runners in case it has to be moved in the future. Mr. Smith said he owns the land. He intends to build in May of 2004.

ACTION:

Motion by Arthur Henning, seconded by Eric Heuser to approve Appeal No I as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO II  
David & Denise Trabucco  
Agricultural

Requests the Board of Appeals approve and grant a fifty foot (50') variance creating a one hundred fifty (150') front yard setback for the construction of a new home at 6320 Herr Road.

DISCUSSION:

Denise Trabucco said when they dug down to do the perk test, the soil in the front of the property is sandy, and farther back it has more clay in the soil. Their excavator suggested getting a variance so they could find the best spot for their home. They are hoping they will be able to build at 120 feet if the soil conditions are favorable. Ray Skaine asked Jim Callahan if this would establish the north to south building line for the homes that will eventually be there in the future. Jim said the setback of the Trabucco's house will establish the setback line.

Mrs. Trabucco's in-laws bought the property next door, and Carlton Thompson owns the rest of the property. No one else will have to come in for a variance unless they want to go back further than the setback that the Trabucco's establish.

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to approve Appeal No II as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO III  
Paul & Kathleen Allaire  
Agricultural

Requests the Board of Appeals approve and grant a seven hundred twenty five foot (725') variance creating an eight hundred twenty five foot (825') front yard setback for the construction of a new home at 6161 Salt Road.

DISCUSSION:

Mr Allaire said they would like to build their home back in the last third of the property. It is treed on all four sides, and their dogs will be able to run free without fear of being hit on Salt Road. They live in the house on the property at the present time, and they will sell the present home after they build the new home. Ron Newton asked how much frontage they would have after they split off the existing house. They have 491 feet altogether, and they will take 175 feet off for the existing house. They might sell off a 100 or 125 foot frontage lot in the future.

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to approve Appeal No III with the addendum that the petitioner agrees that there will be no further development, or requests for additional houses to the rear of this piece of property.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO IV

Requests the Board of Appeals approve and grant a

Terry & Valerie Place  
Commercial

five foot (5') variance creating a five foot (5') side lot line setback for an addition to 5870 Goodrich Road.

DISCUSSION:

Mr. Place said that the side lot setback will actually be around seven feet, not five feet. The construction will blend in with the existing house. No one had any real problems with the request.

ACTION:

Motion by Arthur Henning, seconded by Ronald Newton to approve Appeal No IV as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO V  
K & A Landscaping  
Commercial

Requests the Board of Appeals approve and grant a ten foot (10') variance creating a thirty five foot (35') front yard setback on Bryant & Stratton Way to construct a greenhouse on the west side of the Main Transit Plaza at 8200 Main Street.

DISCUSSION:

Mr. Godzdalski said they are trying to turn their business in to more of a retail business, rather than landscaping and trucking place. They are going to install a six foot chain link fence with slats to make that side of the building look more attractive. The vehicles are parked in the rear, unless they are out on the road. Arthur Henning asked what they are going to sell in the greenhouse. There will be aquatic pond plants, hanging baskets and annuals. Ron Newton asked if the fence would be allowed to be six feet high so close to Bryant & Stratton Way. Jim Callahan stated it is in the commercial zone, and would have to be approved by the Town Board. Ray Skaine said he doesn't like fences either, but it would hide a lot of equipment, and make it look better. He has no problem with the building. Eric asked what kind of greenhouse he is going to construct. It is constructed of glass, and plastic. It will be a permanent structure, but could be removed, and the fence would stay if he ever left. John Brady said he isn't fond of fences, but the screening would be beneficial to the area.

Page 2003-29

ACTION:

Motion by Raymond Skaine, seconded by Eric Heuser to approve Appeal No V as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO VI  
James Liolos  
Agricultural

Requests the Board of Appeals approve and grant two variances:

1. A three hundred foot (300') variance creating a four hundred foot (400') front yard setback for construction of a new home at 4730 Thompson Rd.
2. A four foot (4') height variance allowing a ten foot (10') fence height in the rear yard at 4730 Thompson Road.

DISCUSSION:

Mr. Liolos said he would like to set back away from the noise on Thompson Road, and he would like a long winding driveway for aesthetic reasons. Mr. Liolos breeds championship Keeshond dogs, and is concerned about coyotes and deer getting in the backyard. He was told they could easily scale a six foot fence. John Brady said they could scale a ten foot fence for that matter. Eric Heuser said he thought Mr. Liolos was contradicting himself. He wants to be back in the woods, and yet that is where the wild animals are - back in the woods. Mr. Liolos said the whole lot is in the woods, and the land is surrounded by conservatories. Eric asked Mr. Liolos if he would still be asking for a 400 foot setback if the fence variance was denied. Mr. Liolos said yes, he would. He may not even put up the fence, it is going to be expensive. Mr. Liolos said he may do a completely caged in pen with a top on it to keep the dogs safe. Ray Skaine asked what he is going to do with the existing buildings in the front. Mr. Liolos said they will be taken down. Ray Skaine said he doesn't have a problem with the setback, but he is opposed to a ten foot fence and will not vote for it. Ron Newton said he feels the same way.

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to approve part one of Appeal No VI as written for the setback.

Page 2003-30

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to DENY part two of Appeal No VI.

A ten foot high fence would change the character of the neighborhood, and seriously impact future development to the north, and the Town of Clarence.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 8:00 p.m.  
John Brady, Chairman